



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor application:

Barcala, Roberto Pedro

Group Art Unit: 3724

Serial No.

10/707,899

Examiner: Ghassem, A.

Filing Date:

January 22, 2004

For:

Self Clearing Grilling Fork

Date: February 24, 2006

Commissioner For Patents
 Box 1450
 Arlington, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(B)

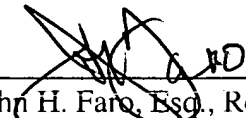
The Applicant/Petitioner had previously submitted a Petition To Revive the subject application on November 8, 2005. This prior filed Petition was dismissed in a non-final agency action on January 31, 2006.

The Petitions Examiner indicated, in her dismissal, that the Applicant/Petitioner had not previously claimed small entity status, and, thus, was not entitled to a reduced petition fee. That is the only reason for dismissal of this prior filed Petition. In order to remedy this deficiency, Applicant/Petitioner is herein submitting a Verified Statement Claiming Small Entity Status and a power of attorney to the undersigned attorney.

Insofar as a complete response to the outstanding Office Action has been previously submitted, specifically and a responsive amendment to the Examiner's rejection and a set of formal drawings, the Applicant/Petitioner requests that the subject application be revived.

A copy of the January 31, 2006, non-final agency action which dismissed the Applicant/Petitioner prior filed Petition is also enclosed.

Respectfully submitted



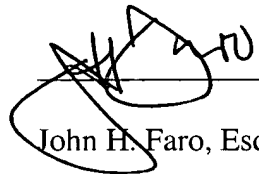
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CERTIFICATE OF MAILING

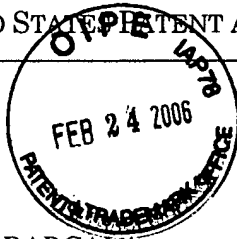
I hereby certify that, the foregoing RENEWED PETITION UNDER 37 CFR 1.137(B) has been forwarded to the United States Patent & Trademark Office by Express Mail, Certificate No. ED 592613853 US this 24th day of February, 2006.



John H. Faro, Esq., Reg. No. 25,859



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERTO P. BARCALA
11921 SW 7TH STREET
PEMBROKE PINES, FL 33025

COPY MAILED
JAN 31 2006
OFFICE OF PETITIONS

In re Application of :
Roberto Pedro Barcala :
Application No. 10/707,899 :
Filed: January 22, 2004 :
Attorney Docket No. 01141606 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 8, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) 2.

It is noted that petitioner has tendered the small entity amount for the petition fee. However, there is nothing in USPTO records indicating that the application is entitled to small entity status. Therefore, the remaining balance of \$750 for the petition fee is due. An attempt was made to charge petition fee to said account, but the deposit account is inactive. This application cannot be revived until the required item is submitted. If the application is, in fact, entitled to small entity status, petitioner should comply with 37 CFR § 1.27.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.



Retta Williams
Petitions Examiner
Office of Petitions

cc: John H. Faro, Esq.
Faro & Associates
P. O. Box 4904
Key Biscayne, FL 33149-4904

Applicant or Patentee: **Roberto Pedro Barcala**
Serial No.: **10/707,899**
Filing Date: **January 22, 2004**
Title of Invention: **Self Clearing Grilling Fork**



**Verified Statement (Declaration) Claiming Small Entity Status
(37 CFR 1.9(f) and 1.27(b)) - Independent Inventor**

As a below named Inventor(s), I (We) hereby declare that I (We) qualify as an independent inventor(s) as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, U.S. Code, to the Patent and Trademark Office with regard to the Inventions entitled:

Self Clearing Grilling Fork

described in

- ☒ the specification filed herewith,
☒ Application Serial No. **10/707,899**, filed **January 22, 2004**
☐ Patent No. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any right or interest in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license, any rights or interest in the invention, is listed below:

- ☒ no such person, concern or organization
☐ persons, concerns or organizations listed below*
*Note A separate verified statement is required for each person, concern or organization having a right or interest to the invention which claims small entity status

Name

(print name of ASSIGNEE)

Address

☐ -Individual ☐ -Small Business Concern ☐ -Nonprofit Organization

I (We) acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

Declaration

I/We Hereby declare that all statements made herein of my/our own knowledge are true that all statements made on upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. code and that such willful false statements may jeopardize the validity of the patent application and any patent issuing thereon.

Date 2/8/06
Mailing Address _____

Date _____
Mailing Address _____

Date _____
Mailing Address _____

by [Signature]
11921 S.W. 7th St.
PEMBROKE PINES FL 3305
by _____

by _____



PTO/SB/81 (01-05)
Approved for use through 12/31/2008. OMB 0851-0035
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

| | |
|------------------------|-----------------------------|
| Application Number | 10707 699 |
| Filing Date | January 22, 2004 |
| First Named Inventor | Bascato, Roberto Pedro |
| Title | Self Clearing Grilling Fork |
| Art Unit | 3724 |
| Examiner Name | A. Shoop |
| Attorney Docket Number | |

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

| Name | Registration Number |
|--------------------|---------------------|
| JOHN H. FARO, ESQ. | 25,850 |
| | |
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

| | | | |
|---|--------------------------------------|-------|--------------------|
| <input checked="" type="checkbox"/> Firm or Individual Name | JOHN H. FARO, ESQ. | | |
| Address | 44 WEST FLAGLER STREET SUITE 1100 | | |
| City | MIAMI | State | FL |
| Country | USA | | |
| Telephone | (305) 424-1112 | Email | JOHNH75712@AOL.COM |

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.78(b) is enclosed (Form PTO/SB/95)

SIGNATURE of Applicant or Assignee of Record

| | | | |
|-------------------|--------------------|-----------|---------|
| Signature | | Date | 2/23/06 |
| Name | ROBERTO P. BARCALA | Telephone | |
| Title and Company | | | |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☒ Total of 1 forms are submitted.

The collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.